



X

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JIHONG LIANG
DILIP MAGANLAL SHAH
YONNIE S. WU
CINDY A. ROSENBERGER
SALIM HAKIMI

Serial No.: 10/010,731

Filed: November 13, 2001

For: ANTIFUNGAL POLYPEPTIDE FROM
ALFALFA AND METHODS FOR
CONTROLLING PLANT PATHOGENIC
FUNGI

Group Art Unit: 1638

Examiner: To be Assigned

Atty. Dkt. No.: MOBT:193--2/DOS
11899.0193.DVUS02

RESPONSE TO NOTICE TO FILE MISSING PARTS

BOX MISSING PARTS

Commissioner for Patents

Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application Under 37 C.F.R. § 1.53(b), dated February 21, 2002, there are enclosed herewith:

- (a) A copy of Notice to File Missing Parts of Application-Filing Date Granted;
- (b) Transmittal for Drawing sheets and Substitute drawing sheets (Figures 1-10) in compliance with 37 CFR § 1.84;
- (c) Clean and Marked-up copies of Figures 1 and 3 as originally filed

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Box Missing Parts Commissioner for Patents, Washington, DC 20231, on the date below:

April 22, 2002
Date


Signature

- (d) A copy of Filing Receipt with the desired correction indicated;
- (e) IDS and Form 1449
- (f) Return postcard

Remarks

Please note that included among the documents listed above is a copy of the Filing Receipt. Please make the indicated correction (*i.e.* correct the Assignee for Published Patent Application to "Monsanto Technology LLC") prior to issuing the updated Filing Receipt. The assignment of parent application Serial No. 09/003,198 to Monsanto Technology LLC was recorded on December 12, 2001 at Reel No. 012350, Frame 0224.

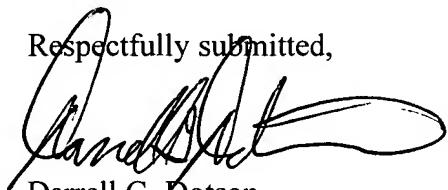
Substitute drawings (Figures 1-10) in compliance with 37 C.F.R. 1.84 are enclosed. Figures 1-10 were previously approved in parent application Serial No. 09/003,198. Minor changes to original figure 1 have been made to correct typographic errors. Specifically, the original informal figure 1 contained 2 errors in the amino acid sequence of AlfAFP1 that confused its sequence with that of AlfAFP2. In addition, an error in the nucleotide sequence of AlfAFP1 in figure 1 is corrected. Figure 3 as originally filed contained one nucleotide sequence error in the listed AlfAFP1 sequence, at position 2. Clean and marked up copies illustrating the changes made in informal figures 1 and 3 as originally filed are enclosed for the convenience of the Examiner. Support for this amendment may be found in the specification at figure 2, figure 3, and SEQ ID NO:6 and SEQ ID NO:10. No new matter is added by this amendment.

The Commissioner is authorized to charge the filing fee (\$740.00) and late filing fee surcharge as set forth in 37 CFR § 1.16 (i) (\$130.00) to deposit account 01-2508/11899.0193.DVUS02. If any additional fees under 37 C.F.R. §§ 1.16 to 1.21 are required

for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-2508/11899.0193.DVUS02.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Darrell G. Dotson
Reg. No. 44,661
ATTORNEY FOR ASSIGNEE
MONSANTO TECHNOLOGY LLC

HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Dr.
Houston, Texas 77057
(713) 787-1400

Date: 4/22/02

MCBT 193-2
18990193 DIV 502



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UNITED STATES PATENT AND TRADEMARK OFFICE

Page 1 of 2

Commissioner for Patents

UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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\$ Receipt #6

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/010,731	11/13/2001	1638	0.00	MOBT:193-2	10	10	1

CONFIRMATION NO. 4312

FILING RECEIPT



OC000000007505208

Elizabeth Graf
HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, TX 77057-2198

Date Mailed: 02/21/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jihong Liang, Chesterfield, MO;
Dilip Maganlal Shah, Chesterfield, MO;
Yonnie S. Wu, Wildwood, MO;
Cindy A. Rosenberger, Ballwin, MO;
Salim Hakimi, Chesterfield, MO;

DOCKETED UPDATED
Previously Not Required
Appl. Info *Filing Receipt* *193-2*
Reg/Grant Info *6,316,407* *12/13/1996*
Action Required: _____

Assignment For Published Patent Application

Monsanto Company *Monsanto Technology LLC*

Date Due/Done:
By: *✓* Checked *✓*

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/003,198 01/07/1998 PAT 6,316,407
WHICH IS A DIV OF 08/766,355 12/13/1996 PAT 6,121,436

Foreign Applications

If Required, Foreign Filing License Granted 02/20/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

REC'D HOWREY SIMON ARNOLD & WHITE

FEB 26 2002

HOUSTON DOCKETING DEPT.

Title

Antifungal polypeptide and methods for controlling plant pathogenic fungi

Preliminary Class

514

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

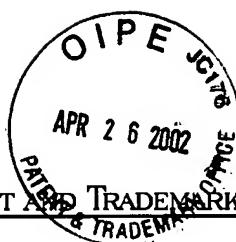
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/010,731	11/13/2001	Jihong Liang	MOBT:193--2

CONFIRMATION NO. 4312
FORMALITIES LETTER



OC000000007505209

Elizabeth Graf
HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, TX 77057-2198

Date Mailed: 02/21/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 870.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

04/29/2002 NM0HAMM1 00000039 012508 10010731

01 FC:101 740.00 CH
02 FC:105 130.00 CH

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

45

Application of:

JIHONG LIANG
DILIP MAGANLAL SHAH
YONNIE S. WU
CINDY A. ROSENBERGER
SALIM HAKIMI

Serial No.: 10/010,731

Filed: November 13, 2001

For: *"ANTIFUNGAL POLYPEPTIDE FROM
ALFALFA AND METHODS FOR
CONTROLLING PLANT PATHOGENIC
FUNGI"*

Group Art Unit: 1638

Examiner: to be assigned

Atty. Dkt. No.: MOBT:193--2/DOS
11899.0193.DVUS02

Client File No.: 38-21(13511)D

The Commissioner for Patents
Washington, D.C. 20231

Attn: Official Draftperson

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Attention: Official Draftperson, Commissioner for Patents, Washington, D.C. 20231, on the date below:	
Date <u>April 22, 2002</u>	Signature 

**TRANSMITTAL OF FORMAL DRAWINGS AND
REQUEST FOR APPROVAL OF DRAWING CHANGES**

Sir/Madam:

1. To correct the informalities in the drawings as noted in the Notice to File Missing Parts, applicant submits herewith one set (10 pages) of formal drawings for this application.
2. The two month period of response set in the Notice to File Missing Parts expires on April 22, 2001. This submission is on or before this expiry date.

3. The Commissioner is authorized to charge the deposit account of Howrey Simon Arnold & White, Account No. 01-2508/11899.0193.DVUS2, for any deficiencies in connection with the transmittal of these formal drawings.

Respectfully submitted,



Darrell G. Dotson
Reg. No. 44,661
ATTORNEY FOR ASSIGNEE
MONSANTO TECHNOLOGY LLC

Date: April 22, 2002

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